IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 19232 of 1994

Between:

1 The Committee of Viswa Bharathi School for Blind, Nellore rep. by Secretary-cum-Correspondent P. Rosamma
2 P. Penchalaiah S/o Chenna Reddy
R/o 9-116, Police Colony, A.K.Nagar, (P.O),
Nellore
3 K.V. Subbaiah S/o Venkata Reddy
R/o 27/51, Police Colony, A.K.Nagar Post,
Nellore-4
4 P. Rosamma W/o Chenna Reddy
R/o Viswabharathi School for the Blind, A.K.Nagar Post,
Nellore-4
5 Smt. P. Prabhavathi W/o K.V.Subbaiah
R/o 27/51, Police Colony, A.K.Nagar Post,
Nellore-4
6 P. Mahesh S/o Penchalaiah
R/o Isukapalem (V), Buchireddipalem (M),
Nellore Dist.
7 P. Audemma W/o Rosi Naidu
R/o Podalakur, Nellore Dist.
8 G. Rathnamma D/o G. Subbamma
R/o Buja Buja Nellore, Nellore Dist.
9 Kum. S. Mallika D/o Muni Reddy
R/o 27/51-1, Police Colony, A.K.Nagar Post,
Nellore-4
10 Smt. L. Hymavathi D/o Narayya
R/o Pallipadu (V), Nellore (M) & Dist.

..... PETITIONERS

AND

1 The Collector & District Magistrate, Nellore
2 The Revenue Divisional Officer Nellore
3 The Asst. Director Physically Handicapped Welfare
Social Welfare Office, Nellore

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus declaring the proceedings of the 1st respondent in Rc.B6/22758/90 dt: 20-9-1994 as arbitrary, illegal and one without jurisdiction and further restrain the respondents from taking any action in this regard

Counsel for the Petitioner:MR.M.RAVINDRANATH REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER

1. This writ Petition is filed seeking to issue a writ of Mandamus

declaring the order, dated 20-09-1994 passed by the 1st respondent, District Collector, Nellore District in constituting a committee in respect of the 1st petitioner's school and in interfering with the administration of the school as illegal, arbitrary and without jurisdiction and for issuance of consequential directions.

2. The contention of the learned counsel for the petitioners is that under the provisions of the Societies Registration Act (for short 'the Act'), the 1st respondent/District Collector has no power to constitute a committee in place of the existing society which is registered under the provisions of the Societies Act. The learned counsel further submits that the action of the 1st respondent is contrary to the provisions of the Act and Article 300 (a) of the Constitution of India.

3. The 1st petitioner is the committee of Viswa Bharathi School for Blind, Nellore, represented by its Secretary-cum-Correspondent and it is running a school for blind and for the services rendered by the school, the Government of A.P. has admitted the school granting –in-aid to four posts. It is stated that the school is running up to fifth class and the total strength is 40 students. It is also stated that besides running a school for imparting the education to blind children, the school is also imparting education to other children up to tenth class.

4. This Court while admitting the writ petition granted interim suspension of the impugned order, dated 20-9-1994 passed by the 1st respondent District Collector, and the order is still in force. No counter affidavit is filed by the respondent denying the averments of the affidavit filed in support of the petition.

5. In the circumstances in as much as the action of the 1st respondent in constituting the committee is not traceable to any power conferred under the provisions of the Act, the impugned cannot be sustained and it is accordingly set aside.

7. The Writ Petition is, therefore allowed. No costs.

19-08-2004.

Nrg/Hsd

That Rule nisi has been made absolute as above.

Witness Sri Devinder Gupta, the Hon'ble the Chief Justice on Thursday, this the Nineteenth day of August, 2004.

Assistant Registrar

// true copy//

Section officer

To,

1 The Collector & District Magistrate, Nellore
2 The Revenue Divisional Officer Nellore
3 The Asst. Director Physically Handicapped Welfare
Social Welfare Office, Nellore

4. 2 C.Cs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT)

5. 2 C.D copies